

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

James C. Sherrod	:	
Plaintiff	:	
vs.	:	Civil Action No. 04-208 Erie
Booker T. Washington	:	
Center	:	
Defendant	:	

The deposition of SEAN P. COLEMAN, taken before and by Heather E. Nass, Notary Public in and for the Commonwealth of Pennsylvania, on Tuesday, June 28th, 2005, commencing at 9:30 a.m., in Rm. 211 , at the Erie County Court House, 140 West 6th Street, Erie, Pennsylvania 16501.

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I N D E X

SEAN P. COLEMAN

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1 S E A N P . C O L E M A N, first having been duly
2 sworn, testified as follows:

3

4

DIRECT EXAMINATION

5

BY MS. BENSON:

6

7 Q. Mr. Coleman, for the record state your full name?

8 A. Sean P. Coleman.

9 Q. What does the P. stand for?

10 A. Paul.

11 Q. And where are you currently residing?

12 A. 2622 Wayne Street.

13 Q. Wayne Street?

14 A. Wayne, yes.

15 Q. Let me just go back for just a moment. Of course,
16 we've met before. My name is Edith Benson and as you know I
17 represent Mr. Sherrod who's the Plaintiff in this matter.
18 Mr. Coleman, just a few things I want to cover with you
19 before we continue on. One, have you ever participated as a
20 witness in a deposition before?

21 A. No.

22 Q. So let me describe that, the deposition process
23 just a little bit. It consists of a series of questions
24 from me and answers from you, and, of course, you've just
25 been sworn in. Your answers will be under oath and can be

1 used subsequently at any hearing, trial in this matter. You
2 can request an opportunity to review the transcript of the
3 proceedings. And if there are any changes with regard to
4 your answers in the form of substance you can prepare a
5 statement indicating what changes you think should have
6 occurred, and why, with regard to your answers. Do you have
7 any questions at this point for me with regard to the
8 description of the proceedings?

9 A. No.

10 Q. Now, one of the things -- there are several things
11 that I would request of you. One, is that you wait until
12 I've completed the question before you answer. Two, is that
13 when you respond that you do so verbally. So for instance,
14 if the question calls for a yes or no response, provide a
15 yes or no, don't shake your head or do uh-huh. Okay?

16 A. Correct.

17 Q. If you do not hear a question simply ask me to
18 repeat it. If you do not understand a question simply ask
19 me to rephrase it or restate the question. If you answer
20 the question I will assume you have heard it and you
21 understood it. And so your response will be what is
22 reflected in the transcript; do you understand that?

23 A. Correct.

24 Q. Now, are you today at this time under any
25 medication that would affect your ability to hear any

1 question?

2 A. No.

3 Q. Are you today under any medication that would
4 impair your ability to understand a question?

5 A. No.

6 Q. Are you today under any medication that would
7 impair your ability to provide answers?

8 A. No.

9 Q. Now, with regard to each of those questions I'm
10 going to go back through again, but with a little bit of a
11 different twist. And the question here is, are you today
12 under the influence of any drugs that would affect your
13 ability to hear a question?

14 A. No.

15 Q. Are you today under the influence of any drugs that
16 would affect your ability to understand the question?

17 A. No.

18 Q. Are you today under the influence of any drugs that
19 would affect your ability to provide answers?

20 A. No.

21 Q. Do you have any physical or mental condition that
22 would interfere with your ability to hear the question?

23 A. No.

24 Q. To understand the question?

25 A. No.

1 Q. To provide answers?

2 A. No.

3 Q. Now, during depositions there are times when, for
4 health reasons witnesses may need an opportunity to break
5 and I'll try to be responsive to that. However, in the
6 interest of fairness, I should let you know that I will only
7 acquiesce to that request once you have answered my
8 question; do you understand that?

9 A. Can you repeat it.

10 Q. Okay. There are times when witnesses may need a
11 break, in particular, for health reasons. And in fairness,
12 I will certainly be prepared to acquiesce with regard to
13 that if such a need exists. But I will object should you
14 want to leave this room when I have put a question to you
15 and before you have answered it; do you understand?

16 A. Yes.

17 Q. Now, just for household purposes. If you haven't
18 noticed already, if you need to go to the restroom it's out
19 this door to your left and then to your right down the hall.
20 First you'll pass the women's and then the men's room.
21 There are also water fountains on this floor. Okay. Now
22 just a few other introductory type questions. You've given
23 us your name, are you known by any nicknames?

24 A. No.

25 Q. Now, you stated your current address, I assume

1 that's in the City of Erie?

2 A. Yes.

3 Q. And when did you move to your current address?

4 A. I believe in November of 2004.

5 Q. Now, this -- as you know, Mr. Sherrod was dismissed
6 by the Booker T. Washington Center in September of 2002.

7 where did you reside at that time?

8 A. I was at 2840 Ford Avenue, that's in Erie.

9 Q. And how long did you stay there?

10 A. I was there for approximately -- I would say
11 probably about two-and-a-half, three years.

12 Q. So in 2002 you had been there?

13 A. Three years.

14 Q. Three years. And then after that where did you
15 move to?

16 A. To my current address.

17 Q. To your current address. Did you at any time leave
18 the City of Erie from September of 2002 to the present,
19 which is June 28th, 2005?

20 A. Yes.

21 Q. And where did you move to?

22 A. I didn't move, I just like traveled.

23 Q. You traveled. And where did you travel to?

24 A. I've been to Penn State, Philadelphia, Buffalo,
25 Pittsburgh; I think that's pretty much it.

1 Q. Philadelphia, Buffalo, Pittsburgh. Which city did
2 you go to first?

3 A. I can't recall.

4 Q. All right. Which city do you think you went to
5 second?

6 A. Let me see. I've been to Philadelphia numerous
7 times. I was in Pittsburgh teaching at a -- or doing a
8 mentorship conference or leadership conference last summer.

9 Q. That would be the summer of 2004.

10 A. 2004.

11 Q. For what period of time would you say, summer?

12 A. For a couple of days, the weekend, mid June. And
13 then also last June I was in my best friend's wedding and
14 that was in New York.

15 Q. New York State or New York City?

16 A. New York City, actually Long Island, New York
17 State. And I did training for three weeks in Buffalo for my
18 former employer and that was June.

19 Q. That was June of 2004.

20 A. Correct.

21 Q. For three weeks. So it's your testimony that you
22 never, from September of 2002 to today June 28th, 2005 moved
23 from the City of Erie, Pennsylvania.

24 A. Correct.

25 Q. Now, are you currently on the Board of the Booker

1 T. Washington Center?

2 A. No.

3 Q. When did you come off of that Board?

4 A. I believe May, 2003.

5 Q. And why did you come off?

6 A. I wanted to focus on my practice.

7 Q. What practice?

8 A. Financial advisor, insurance.

9 Q. So you chose to come off at that time.

10 A. Correct.

11 Q. When was the term -- on the Booker T. Washington
12 Board what is the term period?

13 A. I don't recall.

14 Q. So you don't know whether a board member serves one
15 year or two years?

16 A. It varies from what I can recall. Depending on how
17 long -- if I'm not mistaken.

18 Q. What was your?

19 A. I'm not particularly sure.

20 Q. When did you go on the Booker T. Washington Center
21 Board?

22 A. 1999.

23 Q. And how did it come that you were on the Board?

24 A. I completed Project Blueprint in 1998, I met with
25 -- or actually seen Mr. Johnson who was the then president

1 of the organization.

2 Q. Do you remember Mr. Johnson's first name?

3 A. Sure, it's Jim Johnson. He and I spoke, I knew Mr.
4 Sherrod at the time. He and I spoke briefly, and from those
5 conversations I had joined the Board.

6 Q. So that was in 1999 and you were there to 2003.

7 A. Yes.

8 Q. Now, when you came off the Board in May of 2003,
9 how did you go about announcing that you would not be on the
10 Board?

11 A. I submitted a letter of resignation to the
12 executive director at the time.

13 Q. And who was the executive director at the time?

14 A. That would have been Bill Jeffress.

15 Q. Is that also William Jeffress?

16 A. Yes.

17 Q. And that letter is dated.

18 A. It should be, yes, it's dated.

19 Q. Around 2/5/03.

20 A. Correct.

21 Q. Do you have a copy of that letter?

22 A. No, I don't.

23 Q. Did you -- in preparing that letter did you do so
24 by computer or typewriter or handwritten?

25 A. I typed it.

1 Q. And you didn't keep a copy?

2 A. No.

3 Q. Now, at the time you came off the Board were you
4 still the vice president of the Booker T. Washington Center
5 Board of Directors?

6 A. Yes.

7 Q. And when did you become the vice president of the
8 Board of Directors?

9 A. I think 2001.

10 Q. You're not sure.

11 A. No.

12 Q. Now, did you hold that position from 2001 until
13 2003?

14 A. Yes.

15 Q. Without interruption?

16 A. Correct.

17 Q. In addition to being vice president of the Board of
18 Directors were there any Board committees that you served
19 on?

20 A. Yes.

21 Q. What committees did you serve on?

22 A. I served on the community participation committee,
23 as well as the management committee.

24 Q. Now, are these two committees identified in the
25 Board's bylaws?

1 A. Yes.

2 Q. What's the duties of the management committee?

3 A. Primarily just to assist in an advisory capacity.

4 Q. Whom are you assisting?

5 A. To the executive director.

6 Q. Assists in an advisory capacity to the executive
7 director.

8 A. Correct. There are other duties in there as well,
9 I don't know exactly what they were.

10 Q. In what areas would the committee provide
11 assistance according to the bylaws?

12 A. Review, I believe, of finance, management, making
13 contacts, networks in the community. Typical of most
14 management committees from my understanding.

15 Q. In addition to the management committee -- and you
16 said that was one of the committees, what was the name of
17 the other committee?

18 A. Community participation.

19 Q. Did you serve on any other committee?

20 A. No, I don't think so.

21 Q. So from your tenure of 1999 to 2003 you only served
22 on two Board committees, the community participation
23 committee and --

24 A. Actually, let me backtrack. There was -- we redid
25 the bylaws at one point. Initially I was on the executive

1 committee when I first started, and then there was a change
2 in how we defined the committees. So I was on management --
3 I guess, I still would have been on the executive committee
4 then, an officer -- or being an officer.

5 Q. So you're saying that in 1999 as a newly-appointed
6 board member of the Booker T. Washington Center you
7 automatically became a member of the executive committee?

8 A. Not automatically, that was by Mr. J. or Mr.
9 Johnson.

10 Q. You were appointed.

11 A. Yes.

12 Q. Do you know when you were appointed to the
13 executive committee?

14 A. No, I don't.

15 Q. When you were appointed to the executive committee
16 did you hold an officer position?

17 A. No, I didn't.

18 Q. And when did the bylaws -- is it your testimony
19 that the bylaws were reviewed; when were they revised?

20 A. I'm not exactly sure. I believe within -- probably
21 around 2001. What we did was consolidate the committees,
22 because we had -- we consolidated the committee to three or
23 four, if I'm not mistaken. Because we had numerous
24 committees prior to that and some of their activities had
25 overlapped. So we brought some of the committees all under

1 this new structure.

2 Q. So when did you go on the community participation
3 committee?

4 A. I believe that would have been 2001.

5 Q. And when did you go on the finance -- excuse me, on
6 the management committee?

7 A. I believe the following year, maybe a little bit
8 sooner. I'm not particularly sure.

9 Q. You're not sure. Okay. What committees were in
10 existence -- Board committees were in existence when you
11 left in May of 2003?

12 A. I believe there was management, community
13 participation, I want to say executive, and I think there
14 was a fourth one in there. I'm not sure.

15 Q. What committees of the Board existed in September
16 of 2002?

17 A. I believe those same three and they had a fourth
18 one. Again, I'm not sure of that.

19 Q. So you believe the same committees existed.

20 A. Right, three or four. I'm not -- I'm still trying
21 to think if there was a fourth one. Maybe the executive
22 committee was the one, I think was the fourth one. But I
23 know there were at least three.

24 Q. And those three in September of 2002 were the
25 management committee, community participation committee and

1 executive committee.

2 A. I think.

3 Q. Now, in September of 2000 -- let me take it back a
4 little bit further. In August of 2002 were you on the
5 executive committee?

6 A. Yes.

7 Q. And what position -- did you hold an officer
8 position then on that committee?

9 A. I was the vice president of the Board of Directors.

10 Q. Vice president of the Board. The executive
11 committee -- who constituted the executive committee at the
12 Booker T. Washington Center Board of Directors?

13 A. I believe it was the officer and the committee
14 chairpeople.

15 Q. So you all -- in August of 2002 you were on the
16 executive committee because of your position as vice
17 president of the Booker T. Washington Center Board?

18 A. Correct.

19 Q. Now, at that time, in addition to being vice
20 president and a member of the executive committee, did you
21 serve on any other board committees in August of 2002?

22 A. The management committee.

23 Q. Any other committee?

24 A. No, I don't think so.

25 Q. Did you hold -- with regard to the management

1 committee, did you hold an officer position at that time?

2 A. I don't recall.

3 Q. Who was the chair of the management committee?

4 A. I believe that would have been Bill Jeffress.

5 Q. Who was the chair of the executive committee?

6 A. That would have been James Hamilton.

7 Q. And what's Mr. Hamilton's title with regard to the
8 Board of Directors?

9 A. He was the chairperson.

10 Q. Of the Board of Directors.

11 A. Correct.

12 Q. Now, with regard to the management committee, in
13 addition to Mr. William Jeffress, who you referred to as
14 Bill, and to yourself who else served on the management
15 committee in August 2002?

16 A. To the best of my recollection Rege O'Neill, Joe
17 Fries. I know that there were other people, I just can't
18 remember at this time.

19 Q. How large was that committee?

20 A. Again, I don't recall. It had at least four, those
21 four names.

22 Q. Would the bylaw reflect -- the bylaws that existed
23 in August of 2002 reflect the number of people that would
24 serve on the management committee?

25 A. I don't think so.

1 Q. Would the Board minutes in August of 2002 reflect
2 the number of people that would serve on that committee?

3 A. Again, I don't think so. I don't know.

4 Q. Well, where would you, as the vice president of the
5 Board of Directors, look to ensure that the management
6 committee was properly constituted; do you understand what I
7 mean?

8 A. Well, see -- and, again, I'm not sure. But I don't
9 believe there was a limit to whom -- or how many people can
10 serve on a committee. So if you needed names, that
11 information should be or would be -- who served on the
12 committee would be or whatever -- what am I trying to say.
13 Because committees change, so whenever the nominations -- or
14 whoever would be asked to be on the committee or whatever
15 committee appointments would happen would be on those
16 minutes, depending on what minutes you're looking for. But
17 that necessarily would not be on the August minutes,
18 regardless, because we may not have discussed management
19 issues.

20 Q. What time of the year would the Board discuss board
21 organizational issues; do you understand the question?

22 A. No.

23 Q. It's your testimony that you had four working
24 committees; right?

25 A. Three or four, I can't recall.

1 Q. Three or four working Board committees. And that
2 those committees were established based on the Booker T.
3 Washington Center Board of Directors bylaws; correct?

4 A. Correct.

5 Q. It's your testimony that you're not sure whether
6 those bylaws dictated the number of people for each
7 committee.

8 A. Correct, I don't know.

9 Q. So as Board vice chair you never reviewed the
10 bylaws to ensure that the committees were properly
11 constituted.

12 A. Yes, I have. I just don't remember, I don't recall
13 how many should be on a committee, if there was a number.

14 Q. When before your -- let me ask you this question
15 here. In August of 2002 you were engaged in -- and the
16 player in getting rid of Mr. Sherrod. Did you in August of
17 2002 review the Board bylaws?

18 A. Can you backtrack? I was engaged as the player --
19 can you explain what you mean by that.

20 Q. Yes, I'll be very happy to. In August of 2002 you
21 were the lead player in moving towards Mr. Sherrod's
22 dismissal. When did you review the bylaws to make sure you
23 were functioning according to those bylaws?

24 MR. MARTINUCCI: Just for the record, I object to
25 the characterization. He can answer the question.

1 You can answer the question in terms of the bylaws.

2 A. We reviewed the bylaws --

3 Q. No, I'm saying you. I'm not say saying anyone
4 else, my question is directed to you. When did you --

5 A. And I'm answering the question. We had reviewed
6 the bylaws --

7 Q. No, my question is to you.

8 MR. MARTINUCCI: Ms. Benson, let him answer the
9 question.

10 MS. BENSON: I am going to let him answer the
11 question, but I want him to listen to my question.

12 A. I understand your question.

13 MR. MARTINUCCI: He heard your question, let him
14 answer it.

15 A. Without the characterization.

16 Q. Please listen to my question and answer my
17 question; it goes to you, not anyone else. My question is
18 when did you personally review those bylaws to make sure you
19 were acting according to those bylaws?

20 A. So, if I can answer your question now. When I say
21 "we", I reviewed the bylaws with other members of the Board.

22 Q. And when did you do that?

23 A. We had done that through the course of this entire
24 scenario.

25 Q. All right. Let's take it back. You said you had

1 done that during the course of the entire scenario. Let's
2 take the first time you reviewed the bylaws with other Board
3 members. When did you do it the first time?

4 A. It would have been in August.

5 Q. What date in August of 2002?

6 A. I don't know.

7 Q. Who were the Board members that you reviewed it
8 with?

9 A. I reviewed them with the seven members of the
10 management committee.

11 Q. Who were the --

12 A. As well as the executive committee.

13 Q. So you reviewed them with who now?

14 A. Members of the management and executive committee.

15 Q. Now, let's go back to August of 2002. You said you
16 reviewed them, the bylaws --

17 A. Right.

18 Q. -- with members of the management committee. When
19 did you do that?

20 A. I don't know.

21 Q. You said you reviewed them with members of the
22 executive community, when did you do that?

23 A. I don't know, I don't know specific dates.

24 Q. Was a meeting convened, properly convened? You
25 know what I mean by properly convened?

1 A. Yes.

2 Q. Was a meeting of the executive committee properly
3 convened where the bylaws were reviewed?

4 A. I believe so.

5 Q. When did that occur?

6 A. It would have had to have been in August.

7 Q. What date in August?

8 A. I don't know.

9 Q. Now, the incident that this case centers around
10 occurred on August the 6th, 2002. Give me some idea of when
11 the executive committee convened and reviewed the bylaws.

12 A. It would have been, I believe, that weekend or
13 several days up until the 12th, somewhere in between there.

14 Q. So, somewhere between August 6th and August the
15 12th you're saying that the executive committee reviewed the
16 bylaws?

17 A. What I'm saying is I spoke with members of the
18 executive committee, yes.

19 Q. I want to go back just to make sure that I
20 understand your response.

21 A. Please do. Okay.

22 Q. Between August the 6th and August the 12th did the
23 executive committee, itself, convene for the purposes of
24 reviewing the bylaws?

25 A. We discussed the bylaws. I don't understand your

1 questions. You keep asking the same question, you're just
2 rephrasing it.

3 Q. Between August the 6th and August the 12th did the
4 executive committee convene with the intent of reviewing the
5 bylaws?

6 A. I'm not sure, I don't recall.

7 Q. Between August the 6th and August the 12th of 2002
8 did the management committee convene with proper notice to
9 members of that committee with the intent of reviewing the
10 bylaws?

11 A. I don't think so.

12 Q. Now, Mr. Coleman.

13 A. Yes.

14 Q. I want to make sure I understand your response to
15 these questions. Do you understand when I say properly
16 convene?

17 A. Why don't you, like, explain exactly what you mean.

18 Q. Well, according to the bylaws, boards are convened
19 based on notice to Board members?

20 A. Correct.

21 Q. Committees are convened based on notice to Board
22 members. Was notice sent out convening the management
23 committee to discuss the incident of August the 6th, 2002?

24 A. Yes.

25 Q. When was notice sent out?

1 A. No, actually -- hold on, let me think. We met
2 after that incident, but I'm trying to think if that was a
3 management or full Board meeting. So, I'm not sure.

4 Q. Who met?

5 A. Members of the Board.

6 Q. When did this meeting occur?

7 A. That would have been -- I believe it would have
8 been the following Monday. I think that's the 12th, I
9 think.

10 Q. It's your testimony -- you're not sure whether that
11 was a full Board meeting or some committee meeting.

12 A. Correct. Actually that would have been a full
13 Board meeting.

14 Q. Now, I notice you're referring to a notebook. What
15 notebook is that?

16 A. The one that you have all of those copies of.

17 Q. And what date did you look at in there?

18 A. Actually, I didn't look at a date. I just looked
19 at the sheet of paper right here, but I think that would
20 have been the 12th.

21 Q. And is it your testimony that it was a full Board
22 meeting?

23 A. I don't recall, but I think so.

24 Q. Was notice of this meeting sent out?

25 A. When you say "sent out" what do you mean?

1 Q. Was written notice given to the committee or to
2 whomever?

3 A. If it would have been it would have been via
4 e-mail.

5 Q. So you're not sure whether notice was sent out to
6 the Board?

7 A. Well, I'm assuming it would have to be because
8 people showed up, 11 members showed up.

9 Q. Let me ask you this question here. Did you
10 personally send out e-mails to the Board?

11 A. I think I did.

12 Q. You think you did. Do you have copies of that
13 electronic mailing?

14 A. No.

15 Q. So you're not sure whether it was sent out or not?

16 A. As I said, I think I did send an e-mail, but I
17 don't have a copy of it, the electronic mailing.

18 Q. And you might not have.

19 A. I think I sent out the e-mail, but I don't have
20 copies of the electronic mailing.

21 Q. The computer that the e-mail that you believe you
22 sent out, where is that computer located?

23 A. It would have been in my former office.

24 Q. And where is your former office?

25 A. 5040 Peach Street.

1 Q. And is that a building or an address -- a building
2 owned by you?

3 A. No, that's where I use to work.

4 Q. And name of the former employer?

5 A. Waddell & Reed.

6 Q. Now, is it your testimony that you're not sure
7 whether the group that gathered on August the 12th, 2002 was
8 the full Board or a committee of the Board?

9 A. After looking at my notes I believe it was the full
10 Board because of the amount of people who had showed up.

11 Q. Now, you've previously testified that a Board
12 committee apparently can consist of any number of people.

13 A. Right.

14 Q. So in light of the fact of your testimony that a
15 Board committee could consist of any number of people, could
16 the people that convened on August the 12th, 2002 have been
17 members of a committee of the Board?

18 A. Yes.

19 Q. So it could have been the executive committee?

20 A. What do you mean? I don't understand what you
21 mean.

22 Q. You're saying that the people that convened on
23 August the 12th could have been a committee of the Board.

24 A. No, you said the people -- the question was, the
25 people who convened could they have been members of a

1 committee, members of the Board and that's different. Yes,
2 they could have been members of the committee, that doesn't
3 mean that's a committee meeting.

4 Q. well, I'm just trying to get that clear from you,
5 Mr. Coleman.

6 A. I just answered your question.

7 Q. No, you didn't.

8 A. Yes, I did.

9 Q. Now, let me go back. The people that convened on
10 August the 12th, could they have been members of the
11 management committee?

12 MR. MARTINUCCI: Ms. Benson, I'll object to the
13 question and ask you to rephrase it just because
14 I'm not clear right now if people meet for a Board
15 meeting they could be members of the management
16 committee or the executive committee or any other
17 committee. Are you asking that if on that date
18 they meet as that committee?

19 MS. BENSON: Let me go back. I think my question
20 is clear, but I want to go back.

21 Q. You're telling me, One, that you're not sure if you
22 sent out notice of the meeting for August the 12th.

23 A. No, I'm telling you that I think I did send it out.

24 Q. But you're not sure.

25 A. I think I did send them out.

1 Q. I understand what you're saying. You "think", but
2 that means you're not sure. Now, I'm going back to August
3 the 12th, 2002.

4 A. Correct.

5 Q. Could the people in that room be in attendance for
6 a management committee meeting?

7 A. I will say, no.

8 Q. And why would you say no?

9 A. Because, we didn't have a committee that size.
10 There were 11 members that showed up to this meeting and I
11 don't recall any of the committees being that large.

12 Q. Now, could those individuals in attendance on
13 August the 12th, 2002 have been there for an executive
14 committee meeting?

15 A. It's possible.

16 Q. So it's possible that they could have been there
17 for an executive committee meeting.

18 A. Right.

19 Q. Now, Mr. Coleman, do you recall calling any of the
20 Board meetings (sic) for the August 12th, 2002 meeting?

21 A. Do I remember calling any of the board meetings for
22 the August --

23 Q. Any of the Board members for this meeting.

24 A. I don't recall. I probably did, but I don't
25 recall.

1 Q. Do you recall directing that anyone on staff call
2 members of the Board for this August 12th meeting?

3 A. I don't remember.

4 Q. Do you recall suggesting to other board members
5 that phone calls be made?

6 A. I don't remember.

7 Q. Now, who was responsible for calling the meeting of
8 August the 12th, 2002?

9 A. I believe I called that meeting.

10 Q. Let me go back a little bit, Mr. Coleman. You had
11 said earlier that the address that you testified that you're
12 at you've been there since I think you said in 2002, so for
13 over three years, current address. I'm sorry, your current
14 address that you're at, you've been there since when?

15 A. November of 2004.

16 Q. And prior to that what was the address?

17 A. 2840 Florida Avenue.

18 Q. Now, at this -- your address 2840 Florida Avenue.

19 A. Correct.

20 Q. Did you share that residency with anyone?

21 A. Yes.

22 Q. And who did you share it with?

23 A. My mom and my daughter.

24 Q. And what's your mother's name?

25 A. Mary Coleman.

1 Q. And your daughter's name?

2 A. Raysean.

3 Q. Were you living at that address, 2840 Florida
4 Avenue on August the 6th, 2002?

5 A. Yes.

6 MS. BENSON: What's the question Mr. Coleman? Let
7 me just stop and note that you're conferring with
8 Counsel and you cannot do that, you're here to
9 answer questions. And Counsel will tell you that.
10 And that there should not be an exchange of notes
11 between the two of you and I would like to see
12 those notes at this point.

13 MR. MARTINUCCI: Sure. Now, first of all, he does
14 have a right to confer with Counsel.

15 MS. BENSON: You're not his counsel. Mr. Coleman
16 is not on the Board of the Booker T. Washington
17 Center anymore, he's just testified to that fact.

18 MR. MARTINUCCI: Okay.

19 MS. BENSON: So you're not his Counsel.

20 MR. MARTINUCCI: Here's the note and here's my
21 response. I think it's a legitimate question on
22 his part. He wants to know what his mother's name
23 or daughter's name has to do with any of this.

24 MS. BENSON: It can lead to additional information,
25 Mr. Coleman.

1 Q. Now, when you left the Booker T. Washington Board
2 of Directors in May of 2003 whom were you living with at
3 that time?

4 A. Same two people.

5 Q. And whom are you living with now?

6 A. Same two people.

7 Q. Mr. Coleman, when you left the Board in May of 2003
8 up to the present did you maintain contact with the Booker
9 T. Washington Center?

10 A. Yes.

11 Q. And with whom did you maintain contact?

12 A. With Bill, employees, a couple of my friends work
13 down there.

14 Q. When you say Bill, you're referring to Mr.
15 Jeffress?

16 A. Yes.

17 Q. And you said friends who work down there.

18 A. I have a couple of friends that work down there.

19 Q. And what are those friends' names?

20 A. Shawntel Hilliard (phonetic), Merl Page, that's who
21 I remember right now.

22 Q. From May of 2003 to the present did you maintain
23 contact with any members of the Board of Directors of the
24 Booker T. Washington Center?

25 A. Yes.

1 Q. Now, did Mr. Jeffress know where you resided from
2 May of 2003 to the present?

3 A. Probably not.

4 Q. When did you say you moved to the address of 2840
5 Florida Avenue?

6 A. I believe that was 2001, I think.

7 Q. Did Mr. Jeffress know how to reach you if he needed
8 to contact you?

9 A. Yes.

10 Q. So from May of 2003 to the present he's known how
11 to contact you.

12 A. Yes.

13 Q. And how would he have done that?

14 A. Phone.

15 Q. He had your home phone number at 2840 Florida
16 Avenue.

17 A. Correct.

18 Q. Do you, by the way, have a cell phone?

19 A. No.

20 Q. Did you have one in 2003?

21 A. No.

22 Q. 2004?

23 A. No.

24 Q. Now, who among the Board members of the Booker T.
25 Washington Board of Directors from May of 2003 to the

1 present did you have contact with?

2 A. Mr. Hamilton, Paul Gambill, Kathy Lyons, Joe Fries,
3 Rachel Hill.

4 Q. Did any of those individuals that you've just
5 identified know where you resided from May of 2003 to the
6 present?

7 A. Probably, I'm not sure. We never discussed my
8 residency.

9 Q. Are you friends with any of those individuals that
10 you just identified?

11 A. Yes, I'm friends with all of them.

12 Q. Do you visit their homes?

13 A. No.

14 Q. Do they visit yours.

15 A. I visited Joe's home and -- they don't visit me.

16 Q. Joe, you mean Joe Fries?

17 A. Yes.

18 Q. So Mr. Paul Gambill had no idea where you lived
19 from May of 2003 to the present?

20 A. I can't answer to what Mr. Paul Gambill knew. Did
21 he ever visit me, no.

22 Q. Now, I understand that you are planning on moving
23 from Erie, Pennsylvania?

24 A. Yes.

25 Q. When is your scheduled departure date?

1 A. It was today, now, it's going to be this Saturday
2 or Sunday, this weekend sometime.

3 Q. And where are you moving to?

4 A. I moving to Delaware, right outside Philadelphia.

5 Q. Delaware, the State of Delaware?

6 A. Yes.

7 Q. Outside of Delaware there is Delaware County.

8 A. Delaware County, I'm familiar with that.

9 Q. So you're moving to the State of Delaware?

10 A. Correct.

11 Q. Where in Delaware?

12 A. Claymont.

13 Q. Do you know at this point where you will be
14 residing in Delaware?

15 A. Yes.

16 Q. All right. Can you tell us your address, please.

17 A. It will be my sister's home and I don't know her
18 address offhand.

19 Q. And what's her name?

20 A. Why is that important?

21 Q. Just answer the question, what's her name?

22 A. Her name is Michelle.

23 Q. Michelle. And what's her last name?

24 A. Coleman.

25 Q. And she lives -- you don't have the address, but

1 you're moving there.

2 A. Correct.

3 Q. Now, will you provide me with that address?

4 A. If necessary.

5 Q. Okay. Do you know her phone number?

6 A. Yes.

7 Q. Can you give us her phone number?

8 A. Is it necessary right now?

9 Q. Yes.

10 A. Why?

11 Q. Because you're here to testify.

12 MR. MARTINUCCI: In case anybody needs to get in
13 touch with you for testimony later on it would be
14 relevant.

15 A. 302-793-1148.

16 Q. Why are you moving from the Erie area?

17 A. Better job opportunities.

18 Q. Do you know where you will be working?

19 A. Yes.

20 Q. Who will you be working for?

21 A. T. D. Waterhouse.

22 Q. And where is that located?

23 A. Downtown Philadelphia.

24 Q. So you'll be working in downtown Philadelphia?

25 A. Correct.

1 Q. Do you happen to know the address?

2 A. No, I don't. They're moving to a new office so I
3 don't know.

4 Q. What about a phone number?

5 A. Don't have it offhand.

6 Q. Will you provide that information, both the address
7 and the phone number?

8 A. If it's necessary, yes.

9 Q. And I make that request of you now to provide that.
10 Are you single; what's your marital status?

11 A. Single.

12 Q. And you've mentioned one child, do you have any
13 others?

14 A. I have two.

15 Q. And name your children, please.

16 A. Again, why do you need my children's names.?

17 Q. Just answer the question, Mr. Coleman.

18 A. My daughter name is Raysean.

19 Q. And how old is she?

20 A. She's 11.

21 Q. And her last name is Coleman?

22 A. Yes.

23 Q. Okay.

24 A. And my boy is Sean Jr.

25 Q. And how old is he?

1 A. Little Sean is 5.

2 Q. So, is it your testimony that from May of 2003 to
3 the present, except for little short periods of time you've
4 resided in the City of Erie?

5 A. Yes.

6 Q. At this address of 2840 Florida Avenue,

7 A. Yes.

8 Q. And the short periods of time was -- you said you
9 went to Philly on numerous occasions.

10 A. Correct.

11 Q. But they were just for what, visits?

12 A. Visits, interviews, hang out.

13 Q. You went to Buffalo how many times?

14 A. It was for a period of three weeks for job
15 training.

16 Q. And that was in June of 2004.

17 A. Correct.

18 Q. And you said you were at a weekend training
19 conference in Pittsburgh.

20 A. Yes, I did a conference for college students.

21 Q. And when was that?

22 A. I can't recall, but it was a Friday, Saturday --
23 toward, I think, the last weekend in June, approximately,
24 I'm not sure.

25 Q. Of what year, 2004?

1 A. 2004.

2 Q. At the time in August of 2002 where were you
3 employed?

4 A. In August of 2002 I was with Waddell & Reed.

5 Q. How long had you been with Waddell & Reed?

6 A. Since January of that year.

7 Q. Since January of 2002.

8 A. Correct.

9 Q. And what was your position with Waddell & Reed?

10 A. Financial advisor.

11 Q. Mr. Coleman, you've previously testified that you
12 came off the Booker T. Washington Center Board in May of
13 2003 so that you could focus on your financial advisory --

14 A. Practice.

15 Q. -- practice.

16 A. Correct.

17 Q. Is there any other reason you came off?

18 A. No. In fact, prior to 2003 I was going to resign
19 two other times so I could focus on my business endeavors.

20 Q. Now, you came off after this lawsuit was filed. Is
21 there any suggestion by anyone that you should come off the
22 Booker T. Washington Center Board?

23 A. Absolutely not.

24 MR. MARTINUCCI: So we're clear, Ms. Benson, you
25 mean after the administrative action was filed.

1 MS. BENSON: Let me go back and ask it a couple of
2 ways.

3 Q. Was there any suggestion by anyone that you come
4 off the Booker T. Washington Center Board after this lawsuit
5 was filed? Let me go back and change it. I'll reword it
6 differently. You're aware that Mr. Sherrod, prior to this
7 lawsuit, filed a complaint with EEOC.

8 A. Correct.

9 Q. Was there any suggestion when that lawsuit was
10 filed that you come off the Board?

11 A. No.

12 Q. By anyone.

13 A. No.

14 Q. Now, after this lawsuit was filed was there any
15 suggestion by anyone that you come off the Board?

16 A. No.

17 Q. Did you feel pressure after Mr. Sherrod filed his
18 complaint with EEOC to come off the Board?

19 A. No.

20 Q. Did you feel pressure after Mr. Sherrod filed this
21 complaint in Federal Court to come off the Board?

22 A. No.

23 Q. You recognize that both the -- let me ask you this
24 question here. Are you aware that the complaint with EEOC
25 focused on you and your activities?

1 A. What do you mean by "activities"?

2 Q. Regarding Mr. Sherrod and his dismissal from the
3 agency.

4 A. You have to clarify. You say my activities, I
5 mean, it makes it appear as if I did something maverick-like
6 or on my own. So, please, clarify what you mean by when you
7 say my activities.

8 Q. Lets go back then.

9 A. Yes.

10 Q. You convened at least one meeting that we are aware
11 of, right; August 12th of 2002, you convened that meeting.

12 A. Correct.

13 Q. Now, were there other meetings that you convened
14 around -- concerning the incident of August the 6th of 2002?

15 A. I don't recall.

16 Q. Do you recall -- did you convene any meeting of the
17 executive committee after the incident of August the 6th,
18 2002?

19 A. Say it again.

20 Q. Did you convene any committee meetings after the
21 incident of August the 6th, 2002?

22 A. I'm sure I did.

23 Q. All right. You're sure you did. Tell us what
24 meetings you convened.

25 A. Well, after that incident we still had other months

1 and other business to address. So I'm pretty sure I set up
2 further executive committee meetings to discuss executive
3 issues.

4 Q. Well, I just want you to focus on the incident of
5 August the 6th, 2002 and convening meetings.

6 A. Right, you said after that date --

7 Q. After the incident of August the --

8 A. And I would have been a part of the Board for
9 another, what, nine months I believe, eight months.

10 Q. We're going to take them one at a time. Let's take
11 the month of August.

12 A. Okay.

13 Q. August '02, what if any meetings did you convene?

14 A. I would have to presume -- I don't recall exactly,
15 but that particular -- whatever committee meetings we've had
16 for that month we would have had for that month.

17 Q. So any meetings held during the month of August of
18 '02 you convened, any meetings?

19 A. Possibly. I can't say all of them, but I probably
20 did convene a meeting.

21 Q. And going into the month of August of '02. After
22 the incident of August the 6th, what meetings did you
23 convene concerning the August 6th, '02 incident?

24 A. I know of the one, definitely, on the 12th.

25 Q. Were there other meetings that you convened in

1 August?

2 A. I'm not sure, I can't recall.

3 Q. Now, going to the month of September '02. what
4 meetings did you convene that dealt with the incident?

5 A. Can I ask you a question? When you're saying
6 convened do you mean -- explain that. Reexplain that, would
7 you, please.

8 Q. Mr. Coleman, you have a college degree?

9 A. But see what you're saying, you're asking various
10 different questions. Because when you say "convened", are
11 you saying did I actually call for a meeting? Now, if our
12 meetings were scheduled and then I would instruct whomever
13 to file or to send out notices, are you defining that as the
14 same thing as convening?

15 Q. well, let's go back, Mr. Coleman, because I want to
16 make sure you and I are both clear.

17 A. And time-out. What does my college degree have to
18 do with me asking you to clarify a question?

19 Q. Mr. Coleman.

20 A. I just want clarification.

21 Q. Mr. Coleman, let me just go back here.

22 A. Yes.

23 Q. Let me go back here.

24 A. Okay.

25 Q. Let's talk about how the Booker T. Washington

1 Center Board of Directors functioned, okay. Now, you said
2 you were on there since 1999.

3 A. Right.

4 Q. Prior to Board meetings did notices go out to Board
5 of Director members saying that there would be meetings?

6 A. Yes.

7 Q. So notices went out. Prior to the management
8 committee meetings coming together did notices go out?

9 A. Not all of the time, we could have done a phone
10 call or an e-mail. Now, do you mean actual postal mail, not
11 necessarily. Because we would have to function that way for
12 committee meetings.

13 Q. I'm sorry.

14 A. We didn't function that way or we didn't have to
15 function that way to convene committee meetings, a notice is
16 still a telephone call. That's why I asked for
17 clarification, I wanted to make sure we had the same
18 meaning.

19 Q. And are you basing that on -- you said you didn't
20 function that way.

21 A. I didn't say that, I said we didn't necessarily
22 have to function that way.

23 Q. I want to go back to you. Are you basing that
24 conclusion on a review of the Board's bylaws?

25 A. No, I'm basing that on you asking me a question. A

1 notice, are you asking a written notice, verbal notice, I
2 mean --

3 Q. How did the Board function when there came time for
4 Board meetings?

5 A. For Board meetings, it was a written notice.

6 Q. So for Board meetings, written notices went out?

7 A. Correct.

8 Q. And that was according to the bylaws of the Board,
9 correct?

10 A. I don't recall.

11 Q. Now, for committee meetings how did the Board
12 function?

13 A. Do you mean how did we send notice of the committee
14 meetings; is that your question?

15 Q. That's right.

16 A. Again, that could have been through telephone, it
17 could have been through e-mail, or it could have been
18 through written notice.

19 Q. Now, is that according to the Board's bylaws?

20 A. I don't recall.

21 Q. Now, going back to August of 2002. You're only
22 aware of one meeting that dealt with the August 6th
23 incident.

24 A. I don't recall. I know there was one that I
25 called, that was one meeting that I convened that dealt with

1 that.

2 Q. All right. And that occurred on, you believe,
3 August the 12th.

4 A. Yes.

5 Q. Were there any other meetings, whether called by
6 you or any other Board member during the month of August,
7 concerning the incident of August the 6th, 2002?

8 A. I don't remember.

9 Q. Going to the month of September. Were there any
10 meetings, whether by the Board or committees, called to deal
11 with the August 6th, '02 incident?

12 A. I don't remember.

13 Q. Were there any Board meetings during that month of
14 September '02?

15 A. Yes.

16 Q. Were there any meetings of the executive committee
17 during September '02?

18 A. I don't recall.

19 Q. Were there any meetings of the management committee
20 in September of '02?

21 A. I don't recall.

22 Q. Could there have been an executive committee
23 meeting or meetings during September of '02?

24 A. There could have been.

25 Q. Could there have been management committee meetings

1 during September of '02?

2 A. It's possible.

3 Q. Going back to August of '02. Could there have been
4 management committee meetings during August of '02?

5 A. It's possible.

6 Q. Could there have been executive committee meetings
7 during August of '02?

8 A. It's possible.

9 Q. Now, if any such meetings occurred, would notes
10 have been taken?

11 A. Probably.

12 Q. Who would have taken these notes?

13 A. Could have been the chairperson of the committee or
14 another committee member.

15 Q. Now, you've previously testified that Mr. Jeffress
16 was the chairperson of the management committee meeting in
17 August of '02.

18 A. Correct.

19 Q. So, if there were any meetings that took place with
20 the management committee Mr. Jeffress would have those
21 notes?

22 A. Not necessarily. Because as I just said, the
23 committee chair or another member of the committee could
24 have taken notes.

25 Q. Did the Booker T. Washington Center Board require

1 reports from committees to the Board of Directors?

2 A. We did ask for committee reports, yes.

3 Q. Was it standard practice for committees to provide
4 reports to the full Board?

5 A. If they met.

6 Q. Was it standard practice when these reports were
7 made that they be in writing?

8 A. I don't remember.

9 Q. You were on the Board since 1999 -- let's go back.
10 Was it required that Board committees report in writing to
11 the Board of Directors?

12 A. I don't remember. I'm not sure.

13 Q. Was it the customary practice for Board committees
14 to report in writing to the full Board?

15 A. I can't really say if it was customary. Most
16 people did, but some people, since I can remember being on
17 the Board, they just gave their committee report verbally or
18 orally.

19 Q. If they gave their report orally would that report
20 have been reflected in the Board minutes?

21 A. It should be or it should have been.

22 Q. Now, let's go to October of 2002. Was there a
23 Board meeting held in October of 2002?

24 A. Yes.

25 Q. Did the Board discuss the August 6th, '02 incident?

1 A. I don't remember.

2 Q. Was there an executive committee meeting in October
3 of 2002?

4 A. I don't recall.

5 Q. Was there a management committee meeting in October
6 of 2002?

7 A. I don't recall.

8 Q. Let's take November of 2002. Did the Board discuss
9 the August 6th, '02 incident?

10 A. I don't remember.

11 Q. Was there a case -- excuse me. Was there a
12 management committee meeting in 2002?

13 A. 2002, I think so. I'm not sure, but I think there
14 was.

15 Q. Was there an executive committee meeting in 2002?

16 A. I don't know. I don't recall.

17 Q. Let's take December of '02. Did the Board discuss
18 the August 6th, '02 incident at a Board meeting?

19 A. I don't recall.

20 Q. Was there a management committee meeting in
21 December of '02?

22 A. I think there was.

23 Q. Did the committee discuss the August 6th, '02
24 incident?

25 A. I don't recall.

1 Q. Was there a meeting of the executive committee in
2 December of '02?

3 A. I don't recall.

4 Q. Let's go to January of '03. Did the Board in
5 January of '03 discuss the August 6th, '02 incident?

6 A. I don't recall.

7 Q. Was there an executive committee meeting in January
8 of '03?

9 A. I think so.

10 Q. Did the committee discuss the August 6th, '02
11 incident?

12 A. I don't recall.

13 Q. Was there a management committee meeting in January
14 of '03?

15 A. I believe so.

16 Q. Did the committee discuss the August 6th, '02
17 incident?

18 A. I don't recall.

19 Q. Let's take February of '03. Was there a Board
20 meeting in February of '03?

21 A. Yes.

22 Q. Did the Board discuss the August, '02 incident?

23 A. I don't remember.

24 Q. Was there a case management meeting -- sorry, I
25 mean a management meeting? I'm sorry.

1 A. I don't remember.

2 Q. Was there an executive committee meeting in
3 February of '03?

4 A. Again, I don't remember.

5 Q. Let's take March of '03. Was there a Board meeting
6 in March of '03?

7 A. Yes, I believe so.

8 Q. Did the Board of Directors discuss the August 6th,
9 '02 incident?

10 A. I don't remember.

11 Q. Was there a management committee meeting?

12 A. I don't remember.

13 Q. An executive committee meeting in March of '03?

14 A. I don't remember.

15 Q. Let's go to the month of April of '03. Did the
16 Board of Directors of the Booker T. Washington Center meet
17 in March of '03 -- I'm sorry, April of '03?

18 A. I believe so.

19 Q. Did the Board discuss the August 6th, '02 incident?

20 A. I don't recall.

21 Q. Was there an executive committee meeting in April
22 of '03?

23 A. I don't recall.

24 Q. A management committee meeting in April of '03?

25 A. I don't recall.

1 Q. Now, you said you came off the Board in May of '03.
2 Was that prior to the last -- the May Board meeting?

3 A. I'm not sure. Our Board meeting is on the third
4 Tuesday, I think, of the month. They were on the third week
5 of the month and I'm not sure if that's prior or after.

6 Q. Did you submit your resignation in person to the
7 Board of Directors?

8 A. No.

9 Q. Now, I noticed in the Erie Times there was a
10 publication back in April, April the 28th of this year, that
11 dealt with -- I think it's referred to as the E Generation;
12 is that it?

13 A. Yes, that's correct.

14 Q. The E Generation, 12 under 40. You're one of the
15 people pictured in that. And I notice here that the Booker
16 T. Washington Center sponsored your page.

17 A. They didn't sponsor my page, they took out an ad.

18 Q. Well, they took out an ad.

19 A. Correct.

20 Q. I assume that you solicited them to take out this
21 ad.

22 A. What I did was send out a general e-mail to people
23 that I know just telling them about the situation and
24 actually see what people responded.

25 Q. And who at the Booker T. Washington Center was